IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPLICATION NO.283 OF 2007

IN

CRIMINAL APPEAL NO.1207 OF 2006

Shashikant Wanmali Panchal .. Applicant.
(Orig.accused No.1)

Versus

The State of Maharashtra .. Respondent.

Mr.A.P.Mundargi for the applicant.
Mrs.M.M.Deshmukh, A.P.P. for State.

CORAM : J.H.BHATIA, J.

DATE : 30TH MARCH, 2007.

P.C.:

1. Heard Mr.Mundargi, learned counsel for the applicant and Mrs.M.M.Deshmukh, learned A.P.P. for the State of Maharashtra.

2. This is an application for bail filed by original accused No.1 Shashikant Wanmali Panchal, who was convicted for the offence punishable u/s.307 r/w.Sec.34 of I.P.C.

and was sentenced to undergo R.I. for seven years and to pay fine of Rs.1,000/- and in default to suffer R.I. for six months. He was also convicted for the offence punishable u/s.324 & 504 of I.P.C. and sentenced to undergo R.I. for one year. Accused Nos.2 to 4, who are brothers of the present applicant were granted bail by this Court by an order dated 13th October, 2006 in Criminal Application No.962 of 2006.

3. The record reveals that on the day of incident, firstly, the present applicant abused P.W.2 Vinod Tripathi and when the said Vinod Tripathi asked the present applicant as to why he was abusing, the present applicant took out a sword and assaulted. But in that assault, one Raja Shetty, servant of said Vinod Tripathi, was injured. A report of that incident was lodged and offence u/s.307 was registered. Due to that incident, Vinod Tripathi ran away from that spot. After sometime, when he was again passing from near the door of the house of the accused, present applicant and his three brothers assaulted him with iron rods and pipes. The evidence reveal that the present applicant actually assaulted on head of Vinod Tripathi with iron rod while his brothers had also assaulted him. The medical evidence reveals that as many as seven injuries were found on the head of Vinod

Tripathi, two of them were fractures of bone. Besides, some other injuries were found on different parts of the body.

4. In view of the specific evidence that the present applicant had assaulted on head with iron rod and in view of the nature and number of injuries on head of Vinod Tripathi, I find that it is not a fit case where bail may be granted to the applicant pending the appeal.

5. Application stands rejected.

(J.H. BHATIA, J.)